United Nations A/C.4/53/SR.22

General Assembly
Fifty-third session

Official Records

Distr.: General
11 February 1999
English
Original: Russian

Special Political and Decolonization Committee (Fourth Committee)

Summary record of the 22nd meeting
Held at Headquarters, New York, on Wednesday, 18 November 1998, at 10 a.m.

Chairman: Mr. Macedo ..... (Mexico)

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98-83539 (E)

The meeting was called to order at 10.20 a.m.

Agenda item 18: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*continued*) (A/53/23 (Part VIII))

Question of Guam

1. **The Chairman** said that the Committee would begin with the consideration of agenda item 18 and would take up the question of Guam. He recalled that the Committee had adopted the text of a consolidated resolution, contained in document A/53/23 (Part VI), on the understanding that consultations would continue with the aim of achieving consensus on two questions, namely, the substantive question connected with the draft resolution on Guam recommended by the Special Committee on the Situation with regard to the Granting of Independence to Colonial Countries and Peoples, and the question of the procedure to be adhered to in respect of the consideration of the question of Guam at a plenary meeting of the General Assembly. He had been informed that as a result of consultations held by the countries concerned, agreement had been reached on the basic text of a draft resolution on Guam, contained in document A/53/23 (Part VIII, chap. XII).

2. **Mr. Wehbe** (Syrian Arab Republic), Rapporteur of the Special Committee, said that in the discussion of the draft resolution on Guam, efforts had been made to find a solution that would take into account the interests of all countries. The Chairman of the Fourth Committee had made a significant contribution to the resolution of that question, and the direct participation of the countries concerned in that process had made it possible to achieve concrete results. He proposed that a few amendments should be made to the draft resolution; first, paragraph 1 should be replaced by the following text:

> "*Requests* the administering Power to work with Guam's Commission on Decolonization for the Implementation and Exercise of Chamorro Self-Determination with a view to facilitating Guam's decolonization and to keep the Secretary-General informed of the progress to that end";

secondly, paragraph 6 should be replaced by the following text:

> "*Requests* the administering Power to cooperate in establishing programmes specifically intended to promote the sustainable development of economic activities and enterprises, noting the special role of the Chamorran people in Guam's development".

3. Taking note of the efforts to deepen cooperation with the administering Powers, he urged them to cooperate actively with the Special Committee in the interests of attaining the goals set out in the Declaration on the Granting of Independence to Colonial Countries and Peoples.

4. **The Chairman** recommended to the Committee that the draft resolution contained in document A/53/23 (Part VIII, chap. XII), paragraph 9, as orally amended, should be adopted without a vote.

5. *It was so decided.*

6. **The Chairman** suggested that the Committee should turn to consideration of procedural matters. The members of the Committee needed to adopt a recommendation of the Fourth Committee concerning the consideration of the question under discussion at a plenary meeting of the General Assembly. It appeared that, following consultations, the countries concerned had agreed that the Committee would transmit to the General Assembly a recommendation on the adoption of a draft consolidated resolution, containing the draft resolution on Guam just adopted as section VI of the draft consolidated resolution that had been adopted on 13 October. If he heard no objections, he would take it that the Committee wished to proceed in accordance with that suggestion.

7. *It was so decided.*

8. **The Chairman** suggested that the following drafting changes should be made to the text of the draft consolidated resolution to be recommended to the General Assembly for adoption at a plenary meeting: the word "Guam" should be inserted in the title of draft resolution A (A/53/23 (Part VI)) and in its first preambular paragraph, and in the second preambular paragraph, the words "relevant chapter" should be replaced by "relevant chapters". He drew the attention of the members of the Committee to draft resolution B, contained in the same document, and entitled "Individual Territories". The draft resolution on Guam just adopted should be included in the draft consolidated resolution as section VI and the other sections should be renumbered accordingly. The first, second and third preambular paragraphs of the draft resolution on Guam should be deleted; those paragraphs read as follows:

> "*The General Assembly,*
>
> "*Having considered* the question of Guam,
>
> "*Having examined* the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, ...".

If he heard no objections, he would take it that the Committee wished to approve the drafting changes.

9. *It was so decided.*

10. **Mr. Dausá** (Cuba) expressed appreciation to everyone who had taken part in the discussion of the question of Guam and in the search for a generally acceptable solution.

Agenda item 84: Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/53/136 and Add.1, A/53/259, A/53/260, A/53/264, A/53/660 and A/53/661; A/C.4/53/L.16–L.20)

11. **Mr. De Saram** (Sri Lanka), Chairman of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, introduced the thirtieth report of the Special Committee to the General Assembly (A/53/661). That report should be considered together with the Special Committee's two periodic reports published earlier in 1998 (A/53/136 and Add.1).

12. The manner in which the Special Committee had organized its work was described in chapter III of the report. Regrettably, as in previous years, the members of the Special Committee had not been able to visit the occupied territories, although a request to that effect had been addressed to the Israeli authorities. He wished to express his appreciation for the cooperation extended to the members of the Special Committee by the Governments of Egypt, Jordan and the Syrian Arab Republic. In Egypt and Jordan, the representatives of the Special Committee had received testimony from witnesses residing in the occupied territories, including some written materials. In the Syrian Arab Republic, the Special Committee had heard testimony from witnesses who were not resident in the occupied territories, but had maintained contacts with inhabitants of the occupied Syrian Arab Golan. Persons providing testimony to the Special Committee had been cautioned as to the importance of their statements, which had been given under oath. The Special Committee had also received excerpts of reports appearing in the Israeli press and in the Arab press published in the occupied territories. The documentation made available to the Special Committee by the Governments of Jordan and the Syrian Arab Republic was listed in chapter VI. The annex to the report contained a list of other important materials. However, because of the limitations placed on the length of United Nations documents, it had not been possible to reproduce all the materials listed in the annex. In chapters IV and V of the report, the Special Committee had conveyed to the General Assembly its views on the conditions under which the population of the occupied territories was living. In many respects, those conditions did not meet contemporary international standards in the field of human rights or the requirements of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, which the General Assembly had determined was applicable to the occupied territories.

13. As to the occupied territories of Gaza, the West Bank and East Jerusalem, the Special Committee had found that the Israeli laws and regulations and administrative measures in force in those territories gave rise to a substantial degree of discrimination against Palestinians in important aspects of life: first, there were restrictions with respect to land, housing and access to water, the travel and movement of Palestinians within the occupied territories and parts thereof and when leaving or re-entering those territories, and the right of Palestinians to reside in East Jerusalem; second, those restrictions often became oppressive, particularly at times of crisis, tension and violence; third, the general system of regulation and control had a very detrimental effect on Palestinian life; fourth, as the Special Committee had been informed, there was a general sense of hopelessness, despair and frustration in the occupied territories, which often led to violence.

14. In chapter IV, the following matters were examined: the construction of new settlements and the expansion of existing settlements and the violence to which that gave rise; the construction of bypass roads used only by settlers; the fragmentation of land as a result of the construction of settlements and bypass roads and quarrying for stone; restrictions on the construction or expansion of Palestinian housing; the system of detention, the conditions of detention, the arbitrary extension of the period of detention, the methods of interrogation and instances of torture; the impact on employment, trade, education and health care of the restrictions on the movement of the population; and the effect on families and children of such a long period of occupation.

15. Chapter V concerned the situation in the Syrian Arab Golan. The Golan, occupied by Israel in 1967, had been "annexed" in 1981. That "annexation" had not been recognized by the United Nations, which had declared it null and void. The Special Committee had been informed that the expression of pro-Syrian sentiment by the population of the Syrian Arab Golan continued to be suppressed and that the Israeli authorities were attempting to distort the history and culture of the Golan. Currently, 20,000 Syrians were living in five villages in the occupied Syrian Arab Golan, compared

with 110,000 at the time of the occupation in 1967. Heavy taxes were imposed on the population of the occupied Golan, non-payment being punishable by the confiscation of property. The lack of water for agricultural use remained a serious problem. The digging of wells and the collection of rainwater were prohibited. The Israeli authorities provided settlers with a whole range of privileges at the expense of the Arab population. Freedom of movement was restricted. Family members separated following the occupation were forced to communicate with one another across the dividing line by using megaphones.

16. The conclusions of the Special Committee were contained in paragraphs 176 to 182 of the report, and its recommendations in paragraphs 183 to 185. The implementation of those recommendations would significantly improve the situation of the population in the territories occupied by Israel. He hoped that the recent resumption of the peace process would lead to the establishment of a just, comprehensive and lasting peace between the peoples of the region.

17. **Mr. El-Araby** (Egypt) said that it was thirty years since the adoption by the General Assembly of resolution 2443 (XXIII) of 19 December 1968, which had established the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories. Throughout those years, the Special Committee had drawn the attention of the international community to the facts connected with Israeli practices in the occupied Arab territories, which as yet remained unchanged.

18. His delegation had carefully considered the report of the Special Committee for 1998, which once again gave a detailed picture of the obnoxious practices of an occupying Power which disregarded the relevant resolutions of international organizations, the rules of international law and even its obligations as an occupying Power under the Fourth Geneva Convention of 1949. In particular, on 21 June 1998 the Israeli authorities had announced their decision to extend the municipal boundaries of Jerusalem to include in the city Israeli settlements located to the east of Jerusalem. That decision would alter the demographic structure of Jerusalem at the expense of its Palestinian population. Referring to the statement by the President of the Security Council of 13 July 1998, he called on Israel to fulfil its obligations in accordance with the Fourth Geneva Convention. Under the pretext of ensuring the security of the settlers, the Israeli authorities had given them permission to establish their own armed militias; that was not only a flagrant violation of the relevant provisions of the aforementioned Geneva Convention, but would also exacerbate tension in the occupied territories. In 1997, the Israeli authorities had confiscated 30,000 dunums of Palestinian land for the construction of settlements and bypass roads. From January 1997 to March 1998, the Israeli authorities had demolished 290 houses in the occupied Palestinian territories. Although the Palestinians in the occupied territories outnumbered the settlers by almost ten to one, the settlers in the West Bank and the Gaza Strip used five times as much water. As a result of Israel's policy of harsh oppression, the population of the occupied Syrian Golan had declined from 110,000 in 1967 to 20,000 in 1998.

19. Egypt was firmly convinced that the main threat to the peace process was Israel's policy of building new settlements and expanding existing settlements in the occupied territories. Egypt was deeply concerned about reports that the Israeli Government had decided to invite tenders for the right to build in the Jabal Abu Ghneim area located to the south of East Jerusalem. That decision by Israel had led the members of the international community to convene an emergency special session of the General Assembly, which had resumed its work three times on that issue. Nevertheless, and despite the signing of the Palestinian-Israeli Memorandum of 23 October, the Israeli Government continued to take such measures, which impeded the progress of the peace process. In that context, his delegation wished to underline the need to implement the recommendation contained in the resolutions of the tenth emergency special session of the General Assembly regarding the convening of a conference of the Parties to the Fourth Geneva Convention. Israel's actions were causing an unwarranted delay in the process of achieving peace in the Middle East, which could be secured only when Israel renounced its policies and practices and recognized all the rights of the Palestinian people, first and foremost its right to self-determination and to establish its own independent State in the occupied territory.

20. **Mr. Chowdhury** (Bangladesh) noted that the report of the Special Committee was comprehensive and informative and said that Israel was pursuing the policy of settlement, confiscation of land, closures, arrest, detention, torture and refusal to provide access to legal recourse. That policy violated the relevant United Nations resolutions and international agreements and treaties. In addition, the recent decision by Israel to float an international tender for the settlement activities on Jabal Abu Ghneim gave rise to doubts about its security and commitment to the peace process.

21. During the period under review, Israel had continued to carry out systematic violations of human rights in the occupied territories. It had continued to pursue the policy of

using force to suppress resistance to occupation. Frequently pointing to the need to ensure its security, Israel had been employing new instruments of punishment against the Palestinian people, including economic blockades and collective punishment. It was regrettable that Israel quite often imposed closures on the Palestinian territories, obstructing the movement of people and goods within the West Bank and Gaza. In accordance with the Interim Agreement on the West Bank and the Gaza Strip, those areas constituted a single territorial unit. As such, unhindered and safe passage between them should have been ensured. In addition, attempts were being made to obstruct infrastructure projects associated with trade and other economic sectors in order to strangle the economy of the occupied territories, including those under self-rule.

22. The building of Israeli settlements in the occupied territories had always been a source of tension. It was regrettable that, as indicated in the report of the Special Committee, Israel, instead of freezing settlement activities, had authorized in February 1997 the building of new settlements, including the one on Jabal Abu Ghneim in East Jerusalem. Since the signing of the Oslo accords, 67 settlements had been expanded or built.

23. Israel's decision to expand the municipal boundaries of Jerusalem had been discussed in the Security Council in June 1998. The international community had urged Israel to refrain from implementing its decision since that plan would create a larger Jewish majority in the city. Israel considered its settlement activities a "national priority", which was in no way favourable to the peace process. It should be noted that the Israeli practices could create an explosive situation, which might at any moment result in significant loss of lives among the Palestinians. In addition, the confiscation of land, restriction of access to water resources and the demolition of houses in the Palestinian and Arab occupied territories, including the Golan, would not bring peace to the region either.

24. Bangladesh condemned the Israeli policy of the systematic violation of basic human rights in the occupied territories and wished to remind Israel that, under the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War and the relevant resolutions, Israel was obliged to guarantee the basic human rights of the people under its occupation. In contravention of the Convention on the Rights of the Child, Israel, through its practices in the occupied Palestinian and other Arab territories, was depriving children of their rights to health care and education and other rights. In many instances, pupils were barred from going to schools since they had to travel through settlement areas where passage was not allowed to Palestinians. In 1997 alone, 17 children had been killed and 425 injured. Scores of children between the ages of 14 to 16 had been arrested and imprisoned in Israeli jails for long terms. Many of them were unable to bear the stress and suffered psychotic disorders.

25. Israeli practices in the occupied territories were a matter of grave concern to the people and Government of Bangladesh. In that connection, his delegation called upon Israel to halt completely its occupation of Palestine and the other Arab territories without delay, which would be a significant step towards reducing the scale of human rights violations, and cooperate fully with the Special Committee and allow it to investigate the human rights situation in the occupied territories. Bangladesh fully endorsed the recommendations by the Special Committee for safeguarding the basic human rights of the Palestinian people and other Arabs in the occupied territories. His delegation called upon the international community to continue its efforts until the Israeli occupation of the Palestinian and other Arab territories was ended. The Special Committee's recommendations to the High Commissioner for Human Rights, which would make it possible to reunite families, protect the rights of children, and ensure access to educational centres, were also useful and necessary.

26. **Ms. Proidl** (Austria), speaking on behalf of the European Union, the associated countries Bulgaria, Cyprus, the Czech Republic, Hungary, Lithuania, Poland, Romania, Slovakia, Slovenia and the European Free Trade Association countries members of the European Economic Area, said that the Union welcomed the signing of the Wye River Memorandum on 23 October 1998 and looked forward to its speedy implementation. In order to reduce mistrust and build confidence between Israelis and Palestinians, they should avoid all unilateral acts which could become the source of new tensions or prejudge the outcome of the final-status negotiations. The European Union was of the view that a sound economy was of great importance for social and political stability among the Palestinian people and encouraged the Government of Israel to meet fully its responsibilities in promoting the conditions for economic development.

27. The European Union believed that the effective implementation of the Interim Agreement would render the existence of the Special Committee to Investigate Israeli Practices unnecessary and was convinced that the questions addressed by the Special Committee would be better dealt with in a different context that was more favourable to a spirit of compromise and mutual understanding. The European Union reiterated its firm commitment to a just and comprehensive settlement in the Middle East based on the

Madrid and Oslo accords. In that context, the Union reaffirmed its readiness to be fully associated with the implementation of the Wye River Memorandum through a significant political and economic contribution and to contribute to the discussion of the final-status issues to be negotiated between the parties.

28. **Mr. Al-Derai** (United Arab Emirates) said that the report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) fully reflected the flagrant violation by Israel of United Nations resolutions and human rights standards. Since the beginning of the campaign by Israel aimed at the demolition of houses, genocide and occupation, hundreds of people had become homeless and had been placed in refugee camps in neighbouring regions. That was the reason for the establishment of the Agency in 1947 in order to provide refuge and other types of assistance to the Palestinians. Over the course of time, that problem had become more complicated since approximately 3.5 million persons were currently in the situation of refugees. The Agency, particularly in the past five years, was encountering serious difficulties owing to the lack of the necessary financial resources and the failure to provide voluntary contributions for implementing projects and programmes to provide services to the refugees.

29. His country expressed satisfaction that, in recent years, the Agency had reoriented its work, particularly with regard to cooperating with the Palestinian Authority in implementing infrastructure projects, creating jobs, extending economic and social assistance and strengthening the local economy. In view of that, assistance by international financial institutions was becoming particularly important, including assistance by the World Bank, Member States and other development agencies in providing the necessary resources and assistance in financing programmes designed to meet the humanitarian need of the population. Enhancing the Agency's role would make it possible to strengthen economic and social stability among the Palestine refugees both in the occupied territories and outside them in such countries of refuge as Jordan, Lebanon and the Syrian Arab Republic. The dangerous policy conducted by Israel, which ignored United Nations resolutions and human rights standards, and the failure to comply with obligations undertaken within the peace process, as well as the acts of violence perpetrated by it in the territories and the daily bombardment of refugees in southern Lebanon, had a negative impact on the Agency's ability to provide assistance to the Palestine refugees.

30. It was clear from the report of the Special Committee and other documents adopted by the United Nations that the violation of the human rights of the Palestinians and other Arabs of the occupied territories was continuing. The confiscation of land and property, the restrictions on access to natural resources and water, and the falsification of documents on land ownership rights in the occupied territories bore witness to that fact. Such actions facilitated Israel's policy of resettling Jews from other countries of the world in those territories, as a result of which the demographic and legal character of those territories was changing at the expense of the Arab and Palestinian population. The United Arab Emirates, which considered Israel's actions to be unlawful, strongly condemned Israel's arbitrary rule and immoral acts: collective punishment, the blockade of towns and villages, the profanation of Muslim sacred objects and places of worship, violence and the arbitrary detention and murder of innocent, peaceful inhabitants, including women and children. Those acts constituted a flagrant violation of the rules of international law and of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War.

31. The United Arab Emirates urged the international community, in particular the United Nations, which remained the foremost organization for the solution of the Palestinian problem, and all its agencies to fulfil their obligations under the Charter of the United Nations and to take measures to exert pressure on Israel so as to force it to cease forthwith its violations and acts of provocation against the Palestinian people and other Arabs of the occupied territories. Countries with influence in the Security Council, particularly the members of the European Union, must take steps to oblige Israel to respect the provisions of international documents, especially those concerning the securing of a just and lasting peace for the Palestinian people. If those steps were not taken, the escalation of tension in the region would drive it once again into the familiar cycle of violence, instability and conflict.

32. **Mr. Rastam** (Malaysia) said that the Special Committee should continue its work until there was a complete and final solution to all aspects of the Palestinian question. It must be noted that, for the past 30 years, the Government of Israel had consistently refused the Special Committee access to the occupied territories. By contrast, the Governments of Egypt, Jordan and the Syrian Arab Republic and the Palestinian Authority continued to cooperate with the Special Committee, thus enabling it to carry out its work. His delegation hoped that the Israeli authorities would start to cooperate with the Special Committee in the near future so as to signal to the

international community Israel's commitment to the cause of peace in the Middle East.

33. His delegation was seriously concerned at the deterioration of the human rights situation and the socio-economic conditions in the occupied territories over the past year. Israel must give serious consideration to the fact that the peace process and the situation on the ground were interdependent and complementary, and should desist from the harsh policies and measures which had created a prolonged backlash from the population affected by them. It was important, in that connection, that the existing Israeli-Palestinian interim peace agreements, including the recently signed Wye River Memorandum, should be implemented immediately and in full.

34. The establishment of settlements by Israel was clearly aimed at effectively altering the demographic situation in certain areas of the occupied territories, particularly in East Jerusalem, in favour of the Jewish population. Such actions represented a clear attempt to prejudge matters which had been reserved for the permanent status negotiations. In that connection, his delegation considered the statement made by the Prime Minister of Israel on 12 November 1998 regarding the establishment of a new Jewish settlement in Jabal Abu Ghneim to be unacceptable. Restrictions on travel, the use of excessive force and internal and border closures in the occupied territories were also clear acts of provocation and serious violations of the resolutions of the Security Council and the General Assembly and of the Fourth Geneva Convention and the relevant peace agreements between the Israelis and the Palestinians.

35. In order for peace and stability to prevail in the Middle East, it was essential that repressive and discriminatory policies and practices should be replaced by serious and honest efforts to build trust and promote social justice and mutual security among all the parties concerned. His delegation urged the Government of Israel to heed the call of the international community to respect fully the rights of the Palestinian people and other Arabs in the occupied territories.

36. **Mrs. Basmillah** (Brunei Darussalam) urged the Government of Israel to honour its commitments and not to delay the peace process. The Palestinians continued to suffer under Israeli occupation. Their educational opportunities were limited, their land ownership rights were violated and even their access to their own natural resources was restricted. Despite the signing of the Wye River Memorandum, the construction of additional Jewish settlements and housing projects in Ras al-Amud and Al-Khalil had recently been announced.

37. The ill-treatment of detainees incarcerated in Israeli prisons was another cause for serious concern. Her delegation urged Israel to take the necessary measures to comply fully with previous United Nations resolutions, particularly those adopted during the emergency special session. In conclusion, her delegation wished to express its appreciation to President Clinton, King Hussein and all those others whose efforts had brought President Arafat and Prime Minister Benjamin Netanyahu to the negotiating table at Wye River.

38. **Mr. Al-Hassan** (Oman) said that his delegation was breaking its silence on the agenda item under consideration — which it had maintained for three years — because of its desire to foster the building of trust between the peoples of the region. Israel's actions not only ran counter to the peace process, but also contravened the international norms of humanitarian law and the provisions of several basic conventions. His delegation called on the Government of Israel to fulfil its promises, to honour its commitments and to respect international law. Its recent decision to continue the construction of the illegal settlements in Jabal Abu Ghneim was unlawful, especially in the light of the Wye River Memorandum. He called on the sponsors of the peace process to use their influence to bring that process back on track.

The meeting rose at 12.10 p.m.